

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**ANTHONY MEDINA,
Petitioner,**

v.

**LORIE DAVIS,
Director, Texas Department of
Criminal Justice, Correctional
Institutions Division,
Respondent.**

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H-09-CV-3223

THIS IS A CAPITAL CASE.

**PETITIONER'S NOTICE OF COMPLETION OF STATE EXHAUSTION
PROCEEDINGS, AND MOTION TO REOPEN CASE AND TO
PROPOSE AND REQUEST *UNOPPOSED* BRIEFING SCHEDULE**

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Counsel for Petitioner Anthony Medina

PETITIONER'S NOTICE OF COMPLETION OF STATE EXHAUSTION PROCEEDINGS, AND MOTION TO REOPEN CASE AND TO PROPOSE AND REQUEST *UNOPPOSED* BRIEFING SCHEDULE

On August 24, 2015 this Court ordered Petitioner to return to state court to exhaust state remedies with respect to one or more claims contained in the pending amended petition for writ of habeas corpus. (Docket #103, hereinafter "Order"). The Order stayed the federal habeas proceedings in the case, holding it in abeyance pending the completion of state exhaustion proceedings. Petitioner was ordered to move to reopen the proceedings before this Court within 30 days of the completion of all state exhaustion proceedings. By this pleading Petitioner hereby notifies the Court of the completion of state exhaustion proceedings as ordered, moves to reopen the case in accordance with the same court order, and requests and proposes a briefing schedule in these reopened proceedings that is *unopposed* by counsel for Respondent.

After this Court stayed the case for exhaustion proceedings, and with notice to this Court and the agreement of the Respondent, undersigned filed a state application for habeas corpus relief on December 16, 2015. On January 25, 2017, the Texas Court of Criminal Appeals ("TCCA") dismissed the application as an abuse of the writ. *Ex Parte Medina*, No. WR-41,274-05, 2017 WL 690960, at *1 (Tex. Crim. App. Jan. 25, 2017). The dismissal was accompanied by a lengthy, four-judge concurrence. *Id.* at *1-*9.

As set forth in the Third Notice regarding state exhaustion proceedings (Docket #116), Mr. Medina sought further review in the TCCA under Tex. R. App. P. 79.2(d), which allows that Court to rehear Mr. Medina's case on its own motion. The TCCA denied such further review on May 17, 2017, thus ending the proceedings in that court. Exhaustion proceedings having now been completed, and in accordance with the Order of August 24, 2015, Petitioner hereby moves to reopen this case.

On this day, June 16, 2017, the parties conferred and agreed upon the following proposed briefing schedule:

Petitioner will file a brief respecting exhaustion and other procedural matters and the impact upon these proceedings on August 18, 2017;

Respondent will file a response to such briefing 60 days thereafter, on October 17, 2017;

Petitioner will file any reply to Respondent's response 30 days thereafter, on November 16, 2017.

A proposed order with this schedule accompanies this pleading.

Respectfully submitted,

/s/ Robert L. McGlasson

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Counsel for Petitioner Anthony Medina

CERTIFICATE OF CONFERENCE

On June 16, 2017, I spoke with George A. d'Hemecourt, counsel for Respondent, and he agreed to the proposed briefing schedule herein.

/s/James W. Marcus

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served by CM/ECF upon counsel for Respondent:

Mr. George A. d'Hemecourt, Esq.
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This 16th day of June 2017.

/s/ Robert L. McGlasson